REMARKS

Upon entry of this Response, claims 1-24 remain pending in the present application. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

In item 3 of the Office Action, claims 1-24 have been rejected under 35 U.S.C. §103a as being unpatentable over U.S. Patent 5,260,999 issued to Wyman (hereafter "Wyman"), and further in view of U.S. Patent 6,714,921 issued to Stefik (hereafter "Stefik"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicant asserts that the cited combination of references fails to show or suggest each of the limitations of claims 1-24. Accordingly, Applicant requests that the rejection of these claims be withdrawn.

To begin, claim 1 provides as follows:

> 1.   A method for maintaining a license repository, comprising:
> maintaining a number of entities in the license repository in a server, the number entities including a number of licensors and a number of licensees;
> generating a number of licenses between respective pairs of the licensees and the licensors based upon an input from at least one of the licensees and the licensors, respectively; and
> maintaining the licenses in the license repository.

With respect to claims 1, 9, and 17, the Office Action states that Wyman discloses "maintaining a number of entities in the license repository in a server, the number of entities including a number of licensors and a number of licensees; col. 6, lines 43-67." (Office Action, page 2).

However, at column 6, lines 43-67, Wyman states:

> "In accordance with one embodiment of the present invention, a license management system is used to account for software product usage in a computer system. The system employs a license management method which establishes a management policy having a variety of simultaneously-available alternative styles and contexts. A licensed server administers the license, and each licensed product obtain start-up makes a call to the license server to check on whether usage is permitted, in a manner similar to that of U.S. Pat. No. 4,937,863. The license server maintains a store of the licenses, called product use authorizations, that it administers. Upon receiving a call from the user, the license server checks the product use authorization to determine if the particular use requested is permitted, and, if so, returns a grant to

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the requesting user node. The license server maintains a database of product use authorizations for the license products, and accesses this database for updating and when a request is received from a user. While this license management system is perhaps of most utility on a distributed computer system using a local area network, it is also operable in a stand alone or cluster type of system. In a distributed system, a license server executes on a server node and the products for which licenses are administered are on client nodes. However, the license management functions and the licensed products may be executing on the same processor in some embodiments."

While Wyman discusses storage of a number of licenses also called "product use authorizations", Wyman fails to show or suggest maintaining a number of entities on the license repository server where the entities include a number of licensors and a number of licensees. In this respect, profiles of licensors and licensees are maintained in the server according to the various embodiments of the present invention. In addition, due to the fact that both licensors and licensees are stored or maintained in the server as set forth In claim 1, the licensing repository provides an advantage in that entire licensing transactions are facilitated between the parties by according to the various embodiments of the present invention. There is no need for the parties to interact directly as the licensing negotiations are facilitated by the licensing systems according to the various embodiments of the present invention. Also, according to various embodiments of the present invention, the license repository provides a benefit in that licensors can be anonymous with respect to licensees as they can control the specific information included in their profiles.

In contrast, Wyman describes a system in which "product use authorizations are maintained in the server and the server is queried every time an application is to be run to determine whether a use authorization exists that should allow such application to run on a given client. Wyman fails to show or suggest maintaining the licensors and licensees in a server. By virtue of this deficiency in the teachings of Wyman, Applicant asserts that the cited combination of references fails to show or suggest each of the elements of claim 1 as originally filed.

Accordingly, Applicant requests that the rejection of claim 1 be withdrawn. Also, to the extent that claims 9 and 17 include elements similar in scope with those of claim 1, Applicant requests that the rejection of claims 9 and 17 be withdrawn for the same reasons as described with respect to claim 1 above. Also, claims 2-8, 10-16, and 18-24 depend from claims 1, 9 and 17, respectively. Applicant requests that

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the rejection of claims 2-8, 10-16, and 18-24 be withdrawn as depending from claims 1, 9, and 17, respectively.

In addition, claim 2 as originally filed states:

> 2.   The method of claim 1, wherein the step of maintaining the number of entities in the license repository in the server further comprises maintaining a profile for each of the entities, each of the profiles including point of contact for at least one of the entities in the license repository.

With respect to claims 2, 10, and 18, the Office Action states:

> "Wyman further discloses: wherein the step of maintaining a number of entities in the license repository in the server further comprises maintaining a profile for each of the entities, each of the profiles including point of contact for at least one of the entities in the license repository. Col. 20, lines 28-35." (Office Action, page 3).

However, at column 20, lines 28-35, Wyman states:

> "A "personal use" license is one that limits the number of named users of a licensed product. This style of licensing guarantees the members of a list of users accessed to a product. Associated with a personal use type of product use authorization there is a list of registered users. The administrator is able to assign these users as required up to the limit imposed by the product use authorizations; the number of units assigned to each user is indicated by the LURDM. It may be a constant or it may vary as specified in a LURT. The context template is "user name" the duration is "assignment", and the policy is "allocative".

The above excerpt merely discusses a so called "personal use license" that limits the number of named users in a licensed product. It is a style of licensing that guarantees members of a list of users access to a particular software product. In this respect, there is a list of registered users associated with the product use authorization. However, nowhere in the above discussion does Wyman show or suggest the concept of maintaining a profile for each of the entities, namely, the licensees and licensors, where the profiles include a point of contact for a given entity.

The point of contact information advantageously facilitates negotiations between parties in generating new licenses. Particularly, when a licensee wishes to license a new product, then they may perform the acts necessary to create the license in a unilateral manner according to various embodiments of the present invention. The licensor is then sent a message through the point of contact, thereby alerting the licensor as to the creation of the license and allowing the licensor an

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opportunity to confirm or deny the license requested by the licensee. In this respect, automated generation of licensing and negotiations between licensors and licensees is facilitated. Thus, the discussion of Wyman with regard to a "personal use" license fails to show or suggest the concept of providing a profile in the repository for each of the licensors and licensees as claimed, where a point of contact is associated with each of the profiles.

Thus, Applicant asserts that the rejection of claim 2 is improper. In addition, Applicant asserts that the rejection of claims 10 and 18 is improper to the extent that such claims incorporate subject matter similar in scope with that of claim 2. Accordingly, for these additional reasons, Applicant respectfully requests that the rejection of claims 2, 10 and 18 be withdrawn.

Claim 3 as originally filed provides:

> 3.   The method of claim 1, wherein the step of generating the number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises:
> generating a first one of the licenses based upon a unilateral input by a first one of the entities; and
> notifying a second one of the entities that is party to the first one of the licenses of the creation of the first one of the licenses.

With respect to claim 3, the Office Action states:

> "Wyman further discloses: wherein the step of generating a number of licenses between respective pairs of the licensees and the licensors based upon the input from the at least one of the licensees and the licensors, further comprises: col. 11-12, lines 1-67.
> Generating a first one of the licenses based upon the unilateral input by a first one of the entities; col. 11-12, lines 1-67.
> Notifying a second one of the entities that is a party to the first one of the licenses of the creation of the first one of the licenses. Col. 11-12, lines 1-67." (Office Action, page 4)

Applicant respectfully disagrees. Given the significant length of the cited portion of Wyman (two entire columns), the entire cited section of Wyman is not reproduced herein. However, of relevant consideration within the entire cited passage, Wyman states the following:

> "In operation of the distributed system of FIG.1, the producer 28 gives the issuer 25 authority to grant licenses on its behalf (the producer and issuer can be a single entity or multiple entities). The license document generator program, under control of a user (a person), generates a license (*usually the result of negotiation between the user of program 26 and the user of the server 10*). This license is

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called a product use authorization, and it is transmitted by the link 30 to the server 10." (Wyman, column 11, lines 3-12). (Emphasis Added)

As stated above, the generation of the license is the result of negotiations between the user of a program 26 and the user of the server 10. In this respect, both the licensee and licensor negotiate for the terms of the license. Once the license is determined, then the licensed server of Wyman is executed to assure compliance therewith.

Nowhere in the above cited excerpt, nor in any other portion of Wyman is it discussed that a license is generated based upon the unilateral input of a licensee or a licensor, nor does Wyman show or suggest notification of a second one of the entities that is a party to the newly created license of the creation of the license itself. Rather, the licensor and licensees negotiate with each other outside of the operation of the license server as described by Wyman. In this respect, Wyman teaches away from the subject matter of claim 3.

Accordingly, Applicant asserts that the cited combination of references fails to show or suggest the elements of claim 3. In addition, Applicant asserts that the cited combination of references fails to show or suggest each of the elements of claims 11 and 19 to the extent that they include subject matter similar in scope with that of claim 3. Accordingly, for the above additional reasons, Applicant requests that the rejection of claims 3, 11, and 19 be withdrawn.

In addition, claim 5 as originally filed states as follows:

> 5.   The method of claim 2, further comprising:
> modifying a first one of the profiles in the license repository based upon a modification input received from a first one of the entities; and
> notifying a second one of the entities that is party to one of the licenses with the first one of the entities of the modifying of the first one of the profiles.

With respect to claim 5 above, the Office Action states:

> "Wyman discloses the claimed invention except for the modifying a first one of the profiles in the license repository based upon a modification input received from a first one of the entities; and notifying a second one of the entities that is party to one of the licenses with the first one of the entities of the modifying of the first one of profiles.
> Stefik teaches that it is known in the art to provide modifying a first one of the profiles in the license repository based upon a modification input received from a first one of the entities; and notifying

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a second one of the entities that is party to one of the licenses with the first one of the entities of the modifying of the first one of the profiles. Col. 41-42, lines 1-67." (Office Action, pages 4-5)

Applicant respectfully disagrees. After careful review of the text of columns 41 and 42 of Stefik, Applicant respectfully submits that no language therein can be reasonably construed to teach or suggest the concept of modifying the first one of the profiles and notifying a respective one of the entities party to a license with an entity for which a profile has been altered. Rather, the discussion in columns 41 and 42 of Stefik generally describe authorized transactions for the distribution and playing of "digital works". The digital works comprise video and/or music, *etc.* Various ways of authorizing transactions for playing music and video are described. Also, Stefik describes installation and un-installation Transactions in which "players" that facilitate playing of digital works as described are installed or uninstalled.

Accordingly, Applicant asserts that a rejection of claim 5 is improper. In addition, to the extent that claims 13 and 22 include subject matter similar in scope with that of claim 5, Applicant asserts that the rejection of claims 13 and 22 are improper. Therefore, for these additional reasons, Applicant requests that the rejections of claims 5, 13, and 22 be withdrawn.

In addition, the Office Action states:

"Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner." (Office Action, page 6).

To the extent that the above note presents an omnibus rejection of the instant claims based on one or more references in their entirety, Applicant objects to such an omnibus rejection as improper as is set forth under MPEP §707.07(d). Applicant requests specific citation of how the cited references show or suggest the elements of the instant claims as is proper.

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CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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